IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 10914 of 1995

Between:

1 Nagi Reddy Ramana Reddy S/o Penchal Reddy
R/o Juvvalapalem Village and Post, Naidupet Mandal, Nellore Dist.
2 Nagi Reddy Balakrishna Reddy S/o Nagi Reddy Ramana Reddy
R/o Juvvalapalem Village and Post, Naidupet Mandal, Nellore District.

..... PETITIONERS

AND

1 State of Andhra Pradesh Rep by its District Collector, Nellore Dist.
2 Joint Collector Nellore Dist.
3 Mandal Revenue Officer Naidupet, Nellore Dist.
4 Chembeti Ramanaiah S/o Kasthuraiah
R/o Juvvalapalem Village, Naidupet Mandal, Nellore District
5 Tupakula Ramanaiah, S/o Alleaiah
R/o Juvvalapalem Village, Naidupet Mandal, Nellore District
6 Tupakula Govindaiah, S/o Govindu,
R/o Juvvalapalem Village, Naidupet Mandal, Nellore District
7 Ega Venu, S/o Venkaiah,
R/o Juvvalapalem Village, Naidupet Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Joint Collector, Nellore (2nd Respondent herein) not to proceed with any enquiry in respect of Ac.1-10 cents of land comprised in Survey Nos. 135/4, situate in L.A. Sagaram village, Naidupet Mandal, Nellore District, in pursuance of Notice in Rc.B2/8495/94 dated 25/4/94.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Case against R 4 toR7 dismissed for default.

The Court made the following :

ORAL ORDER:

The grievance of the petitioners is that the first petitioner purchased the land in question from his vendor under a registered sale deed in 1949 and since then he had been in possession and enjoyment of the same, and for the last five years, the 2nd petitioner has been in possession of the same, and that the 3rd respondent issued a notice under Act 9 of 1977. It is further stated that they filed O.S. 22 of 1994 and Status Quo order was passed in an interlocutory application filed in the said suit. It is further stated that the 2nd respondent took up an enquiry on the representations made by the respondents 4 to 7 who are not eligible for assignment of lands and it was adjourned to 5.6.1995. Hence they filed the present writ petition seeking a direction to the 2nd respondent herein not to proceed with any enquiry with respect to the Ac.1.10 cents of land in Sy. No. 135/4 of Lakshmi Anantha Sagaram village, Naidupeta Mandal in Nellore District, pursuant to the notice in RC B2/8495/94, dated 25.4.1994.

Official respondents 1 to 3 filed counter refuting all the material allegations made in the petition, however, admitted filing of suits 22 of 1994 and 163 of 1994 by the petitioners. But they contend that the land in question was originally assigned to one G. Gangaiah-a landless poor person, vide proceedings F.Dis. No. 3263/71, dated: 31-3-1962, by the then Tahsildar, Sullurpet. It is their contention that the petitioners are in unauthorized occupation of the said land.

Today, when the matter is taken up for hearing, learned counsel for the petitioners submitted that the suits O.S. 22 of 1994 and 163 of

1994 which were filed for the same relief, by the petitioners, were decreed in their favour and that the connected appeals A.S. 47 of 1998 and 49 of 1998 preferred by the respondents have also been dismissed. Learned counsel further submitted that under those circumstances, the writ petition may be disposed of giving liberty to the petitioners to file a fresh representation before the Joint Collector, Nellor with regard to the enquiry purported to be done by him, with respect to the land in question, in pursuance of his notice RC B2/8495/94 dated 25.4.1994.

Having regard to the above submissions, the writ petition is disposed of giving liberty to the petitioners to file fresh objections before the 2nd respondent, with respect to the land in question, by bringing to this notice about the decisions of the Court in the above suits, within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent is directed to dispose of the same in accordance with law. No costs.

Kvsn 09-12-2004

To

1 State of Andhra Pradesh Rep by its District Collector, Nellore Dist.

2 Joint Collector Nellore Dist.

3 Mandal Revenue Officer Naidupet, Nellore Dist.

4 Two CCs to G.P. for Revenue, High Court buildings, Hyderabad

5 Two C D copies.